

AN ORDINANCE amending Ordinance No. S-42-93, adopted May 18, 1993, being "AN ORDINANCE concerning the issuance of revenue bonds to refund outstanding sewage works bonds of the City of Fort Wayne, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, and repealing ordinances in conflict therewith."

WHEREAS, the City of Fort Wayne, Indiana has adopted Ordinance No. S-42-93, approved by the Common Council of the City on May 18, 1993; and

WHEREAS, upon the advice of First Chicago Capital Markets, Inc., underwriter for the bonds authorized by said Ordinance No. S-42-93, this Council deems it advisable to combine the last two maturities of said bonds as a term bond maturing in 2010, subject to mandatory sinking fund redemption in 2009, so that the amount owed by the City for principal reduction in the year 2009 shall be Four Hundred Ninety Thousand Dollars (\$490,000), and the amount owed for principal reduction in the year 2010 shall be Six Hundred Ten Thousand Dollars (\$610,000).

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Amendments to Prior Ordinance.

(a) The fourth line of the third paragraph of Section 2 is amended by deleting the words "last day of the month" and substituting therefor the words "fifteenth day of the month".

(b) Exhibit A of Ordinance No. S-42-93 is hereby amended by adding the following at the end thereof: Notwithstanding anything herein to the contrary, the 1993 Bonds maturing in the years 2009 and 2010 may be aggregated into term bonds maturing in 2010. Such term bonds will be subject to mandatory sinking fund



PAGE 2

redemption with sinking fund payments corresponding to the 2009 serial maturity plus accrued interest to the redemption date, but without premium or penalty. Such payments shall be applied to retire term bonds by lot.

SECTION 2. Effectiveness. Except as expressly set forth herein, all of the terms and provisions of said Ordinance S-42-93 shall remain in full force and effect. This Ordinance shall be in full force effect from and after its passage.

*Janet G. Bradbury*  
\_\_\_\_\_  
Councilmember

APPROVED AS TO FORM  
AND LEGALITY

*J. Timothy McCaulay*  
\_\_\_\_\_  
J. Timothy McCaulay  
City Attorney

FOLD STAR BUND

SOUTHWORTH CO. U.S.A.

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by \_\_\_\_\_ title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	7			2
BRADBURY	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY				✓
LONG				✓
LUNSEY	✓			
RAVINE	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 6-22-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION, NO. S-55-93 on the 22nd day of June, 1993

ATTEST:

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL)  
Mark C. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1993 at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of June, 1993, at the hour of 8:30 o'clock P M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR





# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

## MEMORANDUM LAW DEPARTMENT

**TO:** MEMBERS OF COMMON COUNCIL

**FROM:** J. TIMOTHY MCCAULAY, CORPORATION COUNSEL

**DATE:** June 7, 1993

**SUBJECT:** AMENDING ORDINANCE S-42-93 TO REFUND OUTSTANDING SEWAGE WORKS BONDS

*S-93-06-11*

THIS AMENDMENT PROVIDES FOR THE LAST TWO MATURITIES TO BE COMBINED INTO A TERM BOND MATURING IN THE LAST YEAR. HOWEVER, THERE IS A MANDATORY SINKING FUND REDEMPTION IN THE SECOND TO LAST YEAR. THIS AMENDMENT WILL RESULT IN THE SAME AMOUNT OWED BY THE CITY IN EACH OF THE LAST TWO (2) YEARS. THE REASON FOR THE TERM BOND IS THAT CERTAIN INSTITUTIONAL INVESTORS PURCHASE BONDS ONLY IN PRESCRIBED MINIMUM AMOUNTS. BY COMBINING THESE TWO MATURITIES INTO ONE, FIRST CHICAGO, THE CITY'S UNDERWRITER, WAS ABLE TO SATISFY THAT MINIMUM. AS THE SAME AMOUNT WILL BE OWED IN EACH OF THE LAST TWO YEARS REGARDLESS OF WHETHER THIS COMBINATION IS MADE, THE ISSUE IS ONE OF FORM MORE THAN SUBSTANCE.

jtm:dcb

DIGEST SHEET

TITLE OF ORDINANCE SPECIAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE CONTROLLER'S OFFICE

SYNOPSIS OF ORDINANCE THIS AMENDMENT PROVIDES FOR THE LAST TWO MATURITIES TO BE COMBINED INTO A TERM BOND MATURING IN THE LAST YEAR. HOWEVER, THERE IS A MANDATORY SINKING FUND REDEMPTION IN THE SECOND TO LAST YEAR. THIS AMENDMENT WILL RESULT IN THE SAME AMOUNT OWED BY THE CITY IN EACH OF THE LAST TWO (2) YEARS. THE REASON FOR THE TERM BOND IS THAT CERTAIN INSTITUTIONAL INVESTORS PURCHASE BONDS ONLY IN PRESCRIBED MINIMUM AMOUNTS. BY COMBINING THESE TWO MATURITIES INTO ONE, FIRST CHICAGO, THE CITY'S UNDERWRITER, WAS ABLE TO SATISFY THAT MINIMUM. AS THE SAME AMOUNT WILL BE OWED IN EACH OF THE LAST TWO YEARS REGARDLESS OF WHETHER THIS COMBINATION IS MADE, THE ISSUE IS ONE OF FORM MORE THAN SUBSTANCE.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

EFFECT OF PASSAGE MATURITIES COMBINED.

\_\_\_\_\_

EFFECT OF NON-PASSAGE MATURITIES NOT COMBINED. SALE OF BOND ISSUE JEOPARDIZED.

\_\_\_\_\_

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

\_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_



1  
2 AN ORDINANCE amending Ordinance No.  
3 S-42-93, adopted May 18, 1993, being  
4 "AN ORDINANCE concerning the  
5 issuance of revenue bonds to refund  
6 outstanding sewage works bonds of  
7 the City of Fort Wayne, the  
8 collection, segregation and  
9 distribution of the revenues of said  
10 works, the safeguarding of the  
11 interests of the owners of said  
12 revenue bonds, other matters  
13 connected therewith, and repealing  
14 ordinances in conflict therewith."

15  
16 WHEREAS, the City of Fort Wayne, Indiana has  
17 adopted Ordinance No. S-42-93, approved by the Common  
18 Council of the City on May 18, 1993; and

19 WHEREAS, upon the advice of First Chicago  
20 Capital Markets, Inc., underwriter for the bonds  
21 authorized by said Ordinance No. S-42-93, this Council  
22 deems it advisable to combine the last two maturities of  
23 said bonds as a term bond maturing in 2010, subject to  
24 mandatory sinking fund redemption in 2009, so that the  
25 amount owed by the City for principal reduction in the  
26 year 2009 shall be Four Hundred Ninety Thousand Dollars  
27 (\$490,000), and the amount owed for principal reduction  
28 in the year 2010 shall be Six Hundred Ten Thousand  
29 Dollars (\$610,000).

30 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON  
31 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

32 SECTION 1. Amendment to Prior Ordinance.

Exhibit A of Ordinance No. S-42-93 is hereby amended by  
adding the following at the end thereof: Notwithstanding  
anything herein to the contrary, the 1993 Bonds maturing  
in the years 2009 and 2010 may be aggregated into term  
bonds maturing in 2010. Such term bonds will be subject  
to mandatory sinking fund redemption with sinking fund  
payments corresponding to the 2009 serial maturity plus  
accrued interest to the redemption date, but without



PAGE 2

premium or penalty. Such payments shall be applied to retire term bonds by lot.

SECTION 2. Effectiveness. Except as expressly set forth herein, all of the terms and provisions of said Ordinance S-42-93 shall remain in full force and effect. This Ordinance shall be in full force effect from and after its passage and any and all necessary approval by the Mayor.

Janet G. Bradbury  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

J. Timothy McCaulay  
J. Timothy McCaulay  
City Attorney

Read the first time in full and on motion by Bradbury, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 6-8-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage.  
PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>LUNSEY</u>	_____	_____	_____	_____
<u>RAVINE</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: \_\_\_\_\_

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST:

(SEAL)

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
PAUL HELMKE, MAYOR



BILL NO. S-93-06-11 (as amended)

REPORT OF THE COMMITTEE ON  
CITY UTILITIES  
JANET G. BRADBURY - CHAIRPERSON  
SAMUEL J. TALARICO - VICE CHAIRPERSON  
RAVINE, HENRY

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending Ordinance No. S-42-93, adopted May 18, 1993, being "AN ORDINANCE concerning the issuance of revenue bonds to refund outstanding sewage works bonds of the City of Fort Wayne, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, and repealing ordinances in conflict therewith"

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Bradbury*  
*Kelley*  
*Talarico*  
*Henry*

DATED: 6-22-93

Sandra E. Kennedy  
City Clerk